IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12041 of 2004

Between:

Smt. P. A. Mary, E.175622, W/o Praveen,
Kethepally Village, (Post & Mandal),

Nakrekal Taluk, Nalgonda District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Vice Chairman and Managing Director,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC,

Hyderabad City Region, Secunderabad.
3 The Depot Manager, APSRTC,

Kushaiguda Depot, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records relating to the Proc.No. P1/1 (47)/2003-KG, dt. 20-8-2003 issued by the 3rd Respondent and declare the same as illegal, arbitrary and contrary to the rules and further direct the respondents to treat the entire period from 20-8-

2003 till the date of reinstatement as continuity of service with full back wages and further direct the respondents to treat the initial appointment on 3-3-2001 as regular service.

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: MR.K.HARINATH, STANDING COUNSEL

The Court at the stage of admission made the following ORDER:

A show cause notice was issued to the petitioner for her unauthorised absence i.e. without intimation or prior sanction of leave. According to her, the same has not been received. As per the impugned proceedings vide No.P1/1(47)/03-KG, dated 20-08-2003 issued by the third respondent, her name was deleted from the approved/selected list of Conductors. Hence, she preferred the present writ petition.

Learned counsel appearing for the petitioner contended that the deletion of name of the petitioner without conducting any enquiry or giving any opportunity is totally violation of principles of natural justice and therefore, the impugned proceedings may be quashed.

On the other hand, learned Standing Counsel for APSRTC appearing for the respondents contended that since she is a temporary employee, she can be removed from her services after calling for explanation and that conducting of regular enquiry does not arise.

It is not in dispute that the petitioner was not appointed as regular Conductor. She was selected as Conductor on daily wage basis through a duly constituted Selection Board. Because of her alleged absence from the duties from 15-03-2003, a show cause notice was given to her. According to her, she did not receive the same. Whether an employee is permanent or temporary, an opportunity should have been given for calling her explanation before conducting any enquiry. In this case, no opportunity was given to the petitioner and also no enquiry was conducted.

Therefore, the impugned proceedings can be quashed on the ground of violation of principles of natural justice.

In the result, the impugned proceedings dated 20-08-2003 are quashed and the writ petition is disposed of. However, this order will not preclude the respondent from taking any disciplinary action as per the regulations of the Corporation. In the circumstances, no costs.

14th JULY, 2004.

Note: furnish c.c. in one week.

B/o

Kvni

To

1 The Vice-Chairman and Managing Director, APSRTC,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC,

Hyderabad City Region, Secunderabad.
3 The Depot Manager, APSRTC,

Kushaiguda Depot, Ranga Reddy District.

4 Two CD copies.